

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Telrite Corporation (U-6780-C) for a Certificate of Public Convenience and Necessity to Offer Resold Local Exchange Telephone Service.

Application 05-05-019
(Filed May 19, 2005)

**ADMINISTRATIVE LAW JUDGE'S RULING REQUIRING
APPLICANT TO FILE ADDITIONAL INFORMATION WITHIN 30 DAYS IN
ORDER TO AVOID DISMISSAL OF APPLICATION**

On May 19, 2005, Telrite Corporation (Applicant) filed an application for a certificate of public convenience and necessity (CPCN) authorizing the provision of resold local exchange services in California. Applicant already holds a CPCN (U-6780-C) that authorizes the provision of resold interexchange services in this state.

The application as originally filed was incomplete because it did not contain sufficient documentation to show that Applicant meets Commission financial requirements for the issuance of a CPCN for resold services in this state. On August 22, 2005, Applicant made a supplemental filing which included a letter of credit that meets Commission financial requirements. The application is therefore complete.

However, the Commission Telecommunications Division (TD) has advised me that Applicant has not complied with certain Commission regulatory requirements related to its currently held CPCN (U 6790-C). Specifically, according to TD, Applicant has failed to file its 2004 annual report and its Utility

Fee System (UFS) reports and its Program Surcharge Reports for 2003 and 2004, and to pay its public purpose program surcharges for 2003 and 2004. TD has notified Applicant of these problems and has given Applicant several months to comply with these requirements. However, to date, these items remain outstanding, and Applicant has still not come into compliance.

I do not find it appropriate to recommend approval of this application, which would expand Applicant's authority to provide telecommunications services in this state, while Applicant remains in violation of Commission regulatory requirements related to its existing CPCN. Moreover, Applicant is reminded that continued failure to comply with Commission requirements may result in monetary sanctions pursuant to Pub. Util. Code §§ 2107 and 2108 and potentially in the suspension or revocation of Applicant's existing CPCN.

Therefore, **IT IS RULED** that:

1. Applicant may file a response to this ruling to contest, clarify or explain any of the stated facts regarding its noncompliance with Commission regulatory requirements within 30 days of the date of this ruling.
2. If Applicant does not contest that it is currently in violation of Commission regulatory requirements regarding the filing of annual reports for 2004, UFS reports and reports regarding public purpose program surcharges for 2003 and 2004, and the payment of public program surcharges for 2003 and 2004, Applicant shall file the required information with TD, with a copy to me, and shall pay all public purpose program surcharges due for 2003 and 2004, within 30 days of the date of this ruling. Applicant shall file these reports in the manner directed by TD.

3. If TD finds that the reports filed by Applicant do not fully meet Commission requirements, Applicant shall submit additional documentation as directed by TD.

4. If Applicant fails to either file a response to this ruling, to file the required reports with TD and to pay all public purpose program surcharges due for 2003 and 2004, within 30 days of the date of this ruling or to timely submit any additional information required by TD, I shall prepare a decision recommending denial of this application for consideration by the Commission, based on Applicant's failure to comply with regulatory requirements.

5. Applicant shall make all supplemental filings required by this ruling in accordance with the Commission Rules of Practice and Procedure (Rules). The Rules are posted on the Commission website at www.cpuc.ca.gov.

Dated January 4, 2006, at San Francisco, California.

/s/ Myra J. Prestidge
Myra J. Prestidge
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Requiring Applicant to File Additional Information Within 30 Days in Order to Avoid Dismissal of Application on all parties of record in this proceeding or their attorneys of record.

Dated January 4, 2006, at San Francisco, California.

/s/ Antonina V. Swansen
Antonina V. Swansen

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, *e.g.*, sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.